

E-FILED

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SEP 18 2000
CLERK'S OFFICE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Thursday, September 18, 2008, at 9:30 a.m. be continued to Thursday, September 25, 2008, at
20 9:30 a.m. This matter has been referred to the Pretrial Services Office for a determination of
21 whether the defendant is an appropriate candidate for diversion. The continuance is requested
22 because Pretrial Services requires additional time to complete its investigation and make its
23 recommendation to the parties.

STIPULATION TO CONTINUE STATUS
HEARING; [PROPOSED] ORDER
No. CR 08-00258 RS

1 The parties further agree that time should be excluded under the Speedy Trial Act from
2 September 18, 2008 to September 25, 2008, because prosecution has been deferred in this matter,
3 and deferred prosecution is an excludable ground under the Speedy Trial Act.

5 Dated: 9/17/08

LARA S. VINNARD
Assistant Federal Public Defender

7 || Dated: 9/17/08

/s/
JEFFREY SCHENK
Assistant United States Attorney

ORDER

10 The parties have jointly requested a continuance of the hearing set for September 18,
11 2008, to allow the Pretrial Services Office additional time to complete its diversion investigation.

12 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date

13 presently set for September 18, 2008 at 9:30 a.m. be continued to September 25, 2008, at 9:30
14 a.m.

15 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
16 from September 18, 2008, to September 25, 2008, shall be excluded from the period of time
17 within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq. *[Signature]*

19 Dated: 9/18/08


RICHARD SEEBORG
United States Magistrate Judge